

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PEARSON'S PHARMACY, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:05-CV-1072-WKW-DRB
)	
BLUE CROSS AND BLUE SHIELD OF ALABAMA,)	
)	
)	
Defendant.)	

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUEST FOR ORAL
ARGUMENT ON PLAINTIFF'S MOTION TO REMAND TO STATE COURT**

COMES NOW the Plaintiff, Pearson's Pharmacy, Inc. ("Plaintiff" or "Pearson's Pharmacy"), by and through its undersigned counsel of record, and provides the following Opposition to Defendant's Request for Oral Argument. In support of its Opposition, Plaintiff states the following:

1. Typically, oral argument is not held on motions to remand in this District. Moreover, Defendant provides no factual or evidentiary basis for its request for a hearing on the motion to remand. Plaintiff's motion to remand is fully briefed and awaiting the Court's ruling. In deciding the motion to remand, the Court must only determine whether diversity of citizenship exists under the Class Action Fairness Act.

2. Plaintiff does not believe that oral argument will aid the Court in making its decision on Plaintiff's motion to remand. This is certainly the case in light of the fact that Defendant fails to provide any justification for its request. Additionally, Plaintiff asserts that

oral argument will not serve to further the interests of judicial economy and will only delay the Court's consideration of Plaintiff's motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests the Court deny Defendant's Request for Oral Argument.

s/ James M. Terrell

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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